

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRACY RESETAR,

Plaintiff,

v.

PHILLIPS FEED SERVICE, INC.,

Defendant.

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CIVIL ACTION

NO. 16-3428

ORDER

AND NOW, this 22nd day of March, 2017, upon consideration of the Defendant's Motion to Dismiss (Doc. No. 8) and the Plaintiff's Response in Opposition to the Motion to Dismiss (Doc. No. 10), **IT IS HEREBY ORDERED** that the Motion to Dismiss (Doc. No. 8) is **DENIED**.

BY THE COURT

/s/ *Lawrence F. Stengel*
LAWRENCE F. STENGEL, J.